Exhibit 14-H COVER SHEET

EXHIBIT # 1 UNCONSTITUTIONAL POLICY/CUSTOM

3:18-CV-1120

Unconstitution (
Policy/Custon Example)
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INTRODUCTION UNCONSTITUTIONAL POLICY/CUSTOM

This is an introduction to the Unconstitutional Policy/Custom that was employed within the Monroe County Correctional facility (herein after M.C.C.F.) during the 43 months that I was in that facility; from February 22nd, 2013 through September 1st 2016. The courts have defined a Policy as when a decision maker[s] possessing final authority to establish municipal policy with respect to the action issues an official proclamation, policy, or edict See: *Berg V. City of Allegheny* 219 f.3d 261, 275 (3rd Circuit 2000) A "Policy maker" is a person[s] with final unreviewable authority to make decisions or take action. See: *Andrews V. city of Phila*, 595 f.2d 1469, 1481 (3rd circuit) This policy was not official and, was thus de facto as it was occurring in fact; the courts have defined a custom as an act that has not been formally approved by an appropriate decision maker but, is so widespread as to have the force of law. See: *Bd of the Cnty Commr's V. Brown*, 520 U.S. 397, 403 117 S.Ct 1382 (1997) also *Monell V. New York City Department of Social Services*, 436 U.S. 658, 694 98 S.Ct 2016 (1976)

This custom is also followed in this prison, SCI Graterford and, both the staff from SCI Graterford and, the M.C.C.F. (anyone who enters, works, volunteers, maintenance repair etc. . . the facilities) at the Pennsylvania Department of Corrections training facility in Elizabethtown, Pennsylvania.

These tactics are a tripartite and, consist of and, are akin to those used in places like Guantanamo Bay and, Abu Ghraib (to break enemy combatant non-conformist [to interrogate them and get them to debrief]). These tactics include but, are not limited to psychic driving, emotionally laden cue statements, sleep deprivation etc. . . . Things from law enforcement e.g. the Reid Technique, Reverse Line-Up etc. . . . Things from forensic psychology e.g. false memories, and, the divulging of medical/psychological records to pin point psychological weaknesses etc. . .

The widespread use of informants who were trained by their handlers (various staff within the prison at the behest of the M.C.D.A. Monroe County District Attorney's Office) to gather information and, elicit incriminating statements (e.g. burp pull the lion's tail etc...) In addition to this mail both personal and, legal (as defined by 42 Pa.C.S. § 5918) was opened up read, photo copied, divulged to informants and, forwarded to the MCDA. These informants were regularly debriefed and, given instructions by their handlers. They would use the pretext that they were

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going to medical where this would take place. This was used to violate the discovery process and to circumvent people's constitutional right to counsel. And, served to make the DA's leverage stronger and, make defendants plea bargain on the DA's terms.

Also the contents of the conversations to family/friends on visits or over the phone in violation of **18 Pa.C.S. § 5704** was done. All of this information was forwarded to the MCDA. In addition to this people's legal documents/work product was stolen by these informants/agents provocateurs.

These are some of the many tactics used the following pages provide a more in-depth description of the Unconstitutional Policy/Custom as Exhibit # 1 in Exhibit # 2 Informants used in M.C.C.F. I list all of the known informants I know were used during my 43 months I was in the M.C.C.F. and, where they were housed etc. . . . I also list their handlers who were the staff who acted at the behest of the MCDA. I also list former staff who could corroborate these allegations.

In short all of this amounts to an Unconstitutional Policy/Custom and, was thus a violation of my 1st, 6th, & 14th Amendment rights of the United States Constitution and, Art 1 § 9 of the Pennsylvania constitution. And since I as well as others were pretrial detainees it rendered my counsel ineffective. (Note; this was the Standard Operating Procedure in the M.C.C.F promulgated by the MCDA) See: *Jett V. Dallas Indep. Sch. Dist.* 491 U.S. 701, 737 109 S.Ct 2702 (1989)

Paicy/Custom
Exhibit

UNCONSTITUTIONAL POLICY

F.2 PS# L

Kubark- Counter Intelligence Interrogation <u>gwu.edu</u>
Bloch Gregg M., and Marks Johnathan H. <u>Doctors</u>, and Interrogators Guantanamo Bay

Personal medical records of detainees were examined by experts for any evidence of psychological weakness that could be used in interrogation(;) advice from psychologist, and psychiatrist to pinpoint an individual's vulnerability to certain stresses, humiliating provocations, the exploitation of private medical records, and psychological mistreatment.

Humiliation and Interrogation

Exploiting Human weakness with psychological pressure.

The first phase is solitary confinement, (or social ostracization), and subjugation to demeaning, and humiliating treatment by prison guards (and informants/agents provocateurs), who convinced prisoner's that there was no hope of release, or contact with the out-side world (physically being awakened repeatedly {sleep deprivation}) The prisoner usually broke down, and then the interrogation process began. The Soviet's claimed a 100% success rate, stress elevating, spirit breaking tactics, sleep deprivation, isolation, psychic driving, repeated verbal messages, psychic bombardment, hissing sounds e.g. noise torture. (*Note these tactics were used by the British SAS against the IRA in Strangeways Prison etc...*)

Wolff Harold- Pain is the most effective as a brain washing technique when it is tied to hopelessness, and humiliation, psychic softening (e.g. how many can be made to think, feel, and behave according to the wishes of other men{and how to avoid it})

Enhanced Interrogation Techniques AKA Torture

Enemy combatant non-conformist

Some of the stages to breaking/indoctrinating targets into the Rat Culture is 1) Stigmatizing (fabrication lies about the person/target for re-education, 2) Ostracizing, (telling people to stay away from the target thus isolating them/potentially leaving them vulnerable to attacks etc. . . 3) Internalizing getting the target to believe /internalize the lies via the Geobellian Principle that "A lie repeated often enough becomes the truth" 40 socializing (breaking down the subject so they can capitulate burn out)

SEE: Moreno Johnathan D. Mind Wars

<u>Note</u>: I have been able to dissect this program from empirical studies observation, experience, and experiment

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Exhibit

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Stress Elevating Spirit Breaking Tactics

These consist of breaking or wearing down the target via pressure social, peer, or otherwise; to break a person's will to resist, and fight against the wrongs, and since learning is observational it is put on display for all to see, so as they may not emulate the offender, and resist/ stand up/assert their constitutional rights. As they do not wish this mal-treatment to happen to them.

Psychological 3rd Degree.

Capitulation by cowed adversary (psychological softening just enough to damage enemy morale)

The Strategic Use of Invidious Fabrications

This is where the officials/ staff, fabricate/ make up lies of an invidious nature (something that causes animosity) e.g. the person is a rapist, pedophile, or a snitch/informant(pariahs in the prison setting, and society as a whole). These lies are told to their informants/agents provocateurs to spread around sic ostracizing, and stigmatizing the target with the goal of making him capitulate. Like an enemy combatant non-conformist in a P.O.W. prison e.g. Abu Ghraib and Guantanamo Bay.

Conclusion

All of these tactics are in direct violation of the Constitution's of the United States, and Pennsylvania the 1st, 6th, 8th, and 14th of the United States Constitution as relates to free speech the right to file grievances send, and receive mail and complain without adverse/ retaliatory reprisals for engaging in protected acts. The right to counsel and to be free from informants attempts to elicit incriminating statements. The ban on cruel, and unusual punishment, and the deliberate indifference of staff/supervisors to abide by their duty, and obligation to stop, and not propagate violations. The right to due process notification, both procedural, and substantive, and the Equal Protection Clause to not treat those similarly situated differently.

With respect to the Constitution and laws of Pennsylvania Art 1 § 1, Art 1 § 9 et al... As well as laws, set out by the Geneva Convention and other human rights treaties. This also constitutes Official Oppression under Title 18 Pa.C.S 5301 Abuse of office.

A person acting or purporting to act in an official capacity or taking advantage of such actual or purported capacity commits a misdemeanor of the second degree if, knowing that his conduct is illegal, he:

- (1) subjects another to arrest, detention, search, seizure, mistreatment, or dispossession, assessment, lien or other infringement of personal or property rights; or
- (2) denies or impedes another in the exercise or enjoyment of any right, privilege, power or immunity.

I affirm that all of this is true and correct under penalty of perjury 18 Pa.C.S §4904.

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INFORMANTS USED IN M.C.C.F.

Exhibit I E

· C-BLK 2013

- 1. ? La Fontaine
- 2. Francisco Cano
- 3. Clay ? (last name unknown got caught on I-80 with drugs got into fight on C-blk in June 2013 with Johnathan Santiago (aka Oso) and two others
- 4. Shabba (real name unknown caught on I-80 with drugs suppressed by Superior Court?)
- 5. Shawn Eggly

B-Blk 2013

- 1. Nicholas Alkeema (cm) (New jersey)
- 2. Darren Elias (Aka Bones sex offender New York)
- 3. Fredrick Marshall (Arkansas)

A-Blk 2013

- 1. Charles Hicks (Death Row upstate Pa.)
- 2. Rico Herbert (upstate Pa.) (Aka country)
- 3. Michael Rubarb (up state Pa.) (Aka Solo)
- 4. Charles Durr (New Jersey)
- 5. Edward Yale (upstate Pa.)
- 6. John Tadesco (upstate Pa.)
- 7. Al-Shariq Moat (upstate Pa.) (check spelling)

RHU 2013

- 1. Caesar Perez-Brea 1 cell RHU (cm) (Pennsylvania?)
- 2. Richard Klinger (agents provocateur kept banging all night long depriving us of sleep for days) (?)
- 3. Pat ? (do not know last name) (Aka Brooklyn) (cm) was a unit worker on male intake got into fight in August 2013 with ? Watkins
- 4. ? Baumgartner (do not know last name) (supposed federal informant) (check spelling) (cm) (Feds)
- 5. Darren Elias (cm) same
- 6. Jason Bobbitt Jr. (Aka Jay) (upstate Pa.) (caught on I-80 with drugs) (cm)

B-Blk 2014

- 1. Darren Elias (cm) same
- 2. Elijah Sumter (cm) (charged with assaulting Sgt. M. Devers) (Aka Eli)
- 3. ? Gibbs (do not know fist name shot brother 7 or 8 times)
- 4. Nicholas Alkeema same
- 5. Marcus Dugas (Aka Slugger)
- 6. William Mc Cray (Aka Dot Red Dot)
- 7. Henry Caroma (Aka Goon)
- 8. Anthony Rusielewicz (Aka Fam Ron) Testified for the Commonwealth at Jason Dominick's trial (new York sex offender)
- 9. ? Keefer (sex offender went to meet what he thought was a minor he met online but, it was the cops)
- 10. Anthony Nava
- 11. Timothy Assure-Young (Aka Casper)

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A-Blk 2014

- 1. Charles Hicks (cm) same
- 2. Rico Herbert same
- 3. Justin Corliss (upstate Pa.)
- 4. Jason Diminick (Aka D 1) (upstate Pa.)
- 5. Michael Rubarb same
- 6.John Tadesco same
- 7. Edward Yale same
- 8. Joseph Schuman (upstate Pa.)
- 9. Bruce Murray Jr. (upstate Pa.)
- 10. George Widmer (upstate Pa.)
- 11. Brando wilson (Aka Bezah) (upstate Pa.)
- 12. Aaron Hernandez (Aka Risky, Risky Martin) (upstate Pa.)
- 13. Charles Durr same
- 14. Johnathan Santiago (Aka Oso)
- 15. Anthony Rusielewicz same
- 16. Fredrick Marshall same
- 17. Tyshawn Normand (Aka Teff, Teflon Don) Fabricated story that I confessed to him
- 18. Dominque Smith (Aka Bully) (cm) (upstate Pa.)
- 19. Tom Giarizzo
- 20. Shacon Jordan (Aka Nitti, Sha Nitti)
- 21. William Mc Cray same
- 22. Marcus Dugas same (upstate pa.)
- 23. Shawn Skibber (upstate Pa.)
- 24. Glen Wright (Aka Webster, Bless) (upstate Pa.)
- 25. Rockne Newl (upstate Pa.)
- 26. fredrick marshall same
- 27. ? Killa (do not know real name got caught up in script king bust) (upstate Pa.)

A-Blk 2015

- 1. Charles Hicks same
- 2. Justin Corliss same
- 3. Rico Herbert same
- 4. John Tadesco same
- 5. Edward Yale same
- 6. Bruce Murray Jr. same
- 7. Corey Otto (upstate Pa.)
- 8. Brandon wilson same
- 9. Allen Neal (upstate Pa.)
- 10. Deshawn Mack (Aka Bam) (upstate Pa.)
- 11. Kerry Cousar (Aka Punch) (New Jersey)
- 12. Aaeon Hernandez same
- 13. Antione Mable (Aka Ace) (upstate Pa.)

14. Chris Schemelnicki (aka Bull) (check spelling) assaulted in A-Blk yard

Exhibit 1 G

B-Blk 2015

- 1. Gregory Cousar (Aka G) (cm)
- 2. Elliot Renta (cm)
- 3. Brandon Noose (cm)
- 4. Joseph kennedy (Aka Cream)
- 5. Charles Lia (cm) (Aka Chino)
- 6. Eric Counterman (cm)
- 7. Aaron Hernandez (cm)
- 8.Detrich Orell (Ohio)
- 9. Manuel Sepulvada (Death Row upstate Pa.)
- 10. Anthony Counterman (Pa.)
- 11. Adam Curry (upstate Pa.)
- 12. Adam Greenblatt (upstate Pa.)
- 13. Henry Caroma same
- 14. David Pugh (upstate Pa.)
- 15. Dayshawn Mitchell (Aka Day Day)
- 16. Sayquan Scott (Aka Saint)
- 17. Bruce Murray Jr, same
- 18. Brandon Wilson same
- 19. Isiah Perrrin (Aka Post Malone) (Colorado)
- 20. Raumel Robbison
- 21. Mark Lomax (cm)
- 22. Michael Ford (upstate Pa.)
- 23. Antiona Mable same
- 24. Matthew Martin (cm)

RHU 2015

- 1. William Mc Cray same
- 2. Raumel Robbison (cm)
- 3. Timmothy Assure-Young same
- 4. Gerrardo Torres (cm)
- 5. Joseph Kennedy same
- 6. Bruce Murray Jr. same
- 7. Dayshawn Mitchell same
- 8. Dewayne? (Aka Raise) credit card scam (cm)

B-Blk 2016

1. David Pugh same 7. Henry Caroma sam

2. Adam Greenblatt (upstate Pa.) same 8. Brandon Wilson same

3. William Mc Cray same

4. Joseph Kennedy same

5. Eric Counterman same

6. Anthony Counterman same

3004

B-Blk 2016 January, 2016- July 14, 2016

1. Kerry Cousar

same same

- 2. William Mc Cray
- 3. Corey Otto
- same
- 4.? Morales (killed girlfriend in Mt. Pocono stabbed to death)
- 5. Mihcael Ford
- same
- 6. Antione Mable
- same
- 7. Bruce Murray Jr.
- same
- 8. Edward Yale
- same
- 9. John Tadesco
- same
- 10. Justin Corliss
- same
- 11. Mark Story (Aka Sunny) (upstate Pa.)
- 12. Juan Vasquez (shook infant son) (upstate Pa.)
- 13. Dayshawn Mack (upstate Pa. ?)
- 14.Dog (do not real name) (feds or New Jersey) (got caught on I-80 with drugs)
- 15. Justin Smith (Aka Hulk) (upstate Pa.)
- 16. Mark Lomax (upstate Pa. or Phila Pa.)
- 17. Allen Neal (upstate Pa.)
- 18. Devine Brown (New York)
- 19. Toni Callictt (check spelling) (upstate Pa.) (Aka Cut) (caught on I-80 with drugs)
- 20. ? Nieves (Sex Offender) (upstate Pa.)
- 21 James Whitten (upstate Pa.) (burn barrel case)
- 22. Anthony Ianello (upstate Pa.)

J-Unit July 14, 2016- September 1, 2016

- 1. William Mc Cray same (known to do forgery jobs for staff e.g. letters)
- 2. Anthony Counterman same
- 3. Various other informants who would go down to medical to be debriefed and, get instructions.

Supplemental Former Staff

- 1. c.o. Zuchaino (check spelling)
- 2. c.o. Storm
- 3. c.o. Peters (Navy Vet Intell Linguist spoke Arabic etc. . . .)
- 4. c.o. Phillips (female)

As you can see the amount of informants/agents provocateurs increased as time went bye. And, a lot of staff got fired. Most were replaced with people trained at the Pa. Dept. of Corrections training facility in Elizabethtown Pa. All of this was directed by the Monroe County DA's Office with handlers (staff) in the jail who directed, debriefed, and, instructed all the informants during the 43 months I was in the M.C.C.F. from Feb 22, 2013-Sept 1, 2016.

Note: I tried to be as specific as possible and, list not only who was my cellmates (cm),(same person) but, also the location of where i was housed,the year,and also where they might be presently located e.g. upstate Pa. (SCI). Some of the names of informants/staff I forgot as there was so many but i did the best i could. All of the names, dates as well as aka's can be verified by **M.C.C.f. Records Officer William Searfoss.**

PH C

Edilot #2 A-B Coversheet

P#1

EXHIBIT # 2 HANDLERS AND FORMER STAFF

HANDLERS

1082

- 1. Dept. Warden William Mc Coy
- 2. Fmr. Dept. Warden William Carver
- 3. Fmr. Sgt. Start
- 4. Lt. Lando
- 5. Sgt. Antione
- 6. Sgt. Gregory Armond
- 7. Classification Counselor Karl Able
- 8. Fmr. Joines
- 9. Lt. Louise Kramer
- 10. MCDA detective Wendy Sue Searfoss
- 11. MCDA detective Kim Lippincott
- 12. MCDA detective Orlando
- 13. C.O. Miller
- 14. C.O. Scott Lockle
- 15. C.O. Scott Jackson

As well as various other law enforcement personnel both state, and local as well as various correctional officers who would transport the informants/agents provocateurs using the pretext of going down to medical where they would be debriefed, and given instructions. (Note: medical as well as psych staff were also involved)

FORMER STAFF

Note; all of these staff names/dates of employment can be confirmed by Monroe County Records Officer William Searfoss

- 1. c.o. Kane
- 2. c.o. Dockery
- 3. c.o. Booker
- 4. c.o. Knight
- 5. c.o. Booker
- 6. c.o. Ackerman Sr. (father)
- 7. c.o. Ackerman Jr. (son)
- 8. c.o. Baker
- 9. Fmr. Warden Donna Assure
- 10. c.o. Messler
- 11. c.o. Mc Bride (daughter)
- 12. fmr. Sgt. Mc Bride (mother)
- 13. c.o. Peterson
- 14. c.o. Nasker
- 15. c.o. Saunders
- 16. c.o. Lednev (check spelling)
- 17. c.o. Workheiser (check spelling)
- 18. c.o. Colon
- 19. c.o. Acosta (MCSA) Monroe County Sheriff's Department

HANDLESS USED IN MCCF

2012

- 20. c.o. Malik (moved to California)
- 21. L.t. Frable
- 22. Lt. Daughtery (check spelling)
- 23. c.o. Wise (check spelling moved to Florida)
- 24. c.o. Foley (Pennsylvania State Police)
- 25. c.o. Chamaza (check spelling)
- 26. c.o. Ninizer (check spelling)
- 27. c.o. Weltzy (check spelling)
- 28. c.o. Rodriguez
- 29.c.o. Johnson (older female)
- 30. c.o. Kovacs
- 31. Sgt. Devers (SCI Dallas)
- 32. Sgt. Rushtin (SARP check spelling)
- 33. c.o. Keen
- 34. c.o. Gerber (MCSD)
- 35. c.o. Doyle (MCSD)
- 36. c.o. Koontzmen (check spelling)
- 37. c.o. Trinkly (check spelling

There are many more former staff members that should be interviewed as to ascertain the intricacies this policy/ custom its training and, what and how things were done e.g. its operating procedures etc. . . .

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EXHIBIT # 3 MISCELLANEOUS GRIEVANCE/AD-SEG ORDER

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MISTERNUTEALMON

From the Office of



MEMO

Joseph McCoy

To:

Inmate Caiby, Anthony (OCA # 2006-03081)

Subject: Classification Appeal

Date:

August 2, 2016

I am in receipt of your classification appeal dated July 26, 2016. In your appeal, you stated you did nothing wrong to warrant your segregation status. Due to recent policy reviews and changes, all inmates sentenced to life in prison or those who receive a death sentence will be placed into administrative segregation. These inmates will house alone and also receive their recreation alone.

For the reasons stated above, your classification appeal is **DENIED**.

From the Desk of



MEMO

Gregory Armond H-13

Anthony Caiby (OCA200603081)

RE: Grievance 2016-G-0055

This Memo is in response to your Grievance that was submitted. If you are not satisfied with the answers that are supplied please let myself or another supervisor know to get in contact with me. This will help resolve any future issues.

Your Housing is as per a Facility policy that was adopted earlier this year. While it may seem discriminatory in nature it is not. Any individual who receives Life or above will now be housed in the same style. As far as your wellbeing I will make sure that you are checked on during the day to make sure no emergencies arise. You are reviewed on a weekly basis at Classification.

A mailbox will be placed in J Unit for regular collection of mail. This should hopefully happen in the next week unless an emergency arises that require the Maintenance Dept. to focus elsewhere

As far as maltreatment is concerned can you supply a name or names? That way a formal investigation can be conducted. You are correct in the fact that you have a right to protection from personal abuse and harassment.

A law library was placed on J Unit. I do not know how much longer you will be here but an update is scheduled to take place in the next few weeks. That way it is fully operational for you and future residents of J Unit

You have now been hired as the J Unit worker. This should keep the unit in a neat and orderly manner.

You are not RHU Status. However you are now classified that you will need two officers as per your sentence. This status also determines that your recreation will be held in the RHU Yard as per policy. You may request a Classification Appeal form to have a downgrade in status. Any changes are at the discretion of the Classification Committee.

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MISCELLANEOUS CRIEVANIE/ALMONE

3084

1444

A Unit assignment changes were a practice that was done in the past. The Facility has a right to change any housing assignment at any given time.

I personally don't know of any informants or saboteurs that are placed in your cell or around. Was your personal shaver replaced?

If you choose not to name names that is your choice. However know that neither I nor MCCF conduct a full investigation on some of your claims. As previously stated we are doing our best to address the situations in your grievance.

Sgt Armond #13

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ADMINISTRATIVE SEGREGATION ORDER

MI ISCELLANEOU Brievance/Ad-sogoide 4044 press

MONROE DATE:	COUNTY CORRECTIONAL FACILITY	40+2
TO: WAR	DEN .	
FROM:	LT. CANUL	
SUBJECT:	PLACEMENT OF CAIBY ANTIONY, OCA# 20060	3011
IN ADMINIS	STRATIVE SEGREGATION	
THE ABOV (A) (B) (C) (D)	E NAMED INMATE IS PENDING A HEARING FOR A VIOLATION OF FACILITY REGULATIONS; IS PENDING INVESTIGATION OF A VIOLATION OF FACILITY REGULATIONS; IS PENDING INVESTIGATION OR TRIAL FOR A CRIMINAL ACT; IS TO BE ADMITTED TO ADMINISTRATIVE SEGREGATION	
(1)	SINCE HE OR SHE HAS REQUESTED ADMISSION FOR PROTECTION;	
	(I HEREBY REQUEST PLACEMENT IN ADMINISTRATIVE SEGREGATION,	
	FOR MY OWN PROTECTION)
(2)	SINCE A SERIOUS THREAT EXISTS TO INDIVIDUAL'S SAFETY AS PERCEIVED BY STAFF, ALTHOUGH PERSON HAS NOT REQUESTED ADMISSION; REFERRAL OF THE NECESSARY INFORMATION WILL BE FORWARDED TO THE CLASSIFICATION COMMITTEE FOR APPROPRIATE HEARING.	
(E) (F) (G)	IS PENDING OR IS IN A HOLDOVER STATUS DURING TRANSFER; IS PENDING CLASSIFICATION; OR IS TERMINATING CONFINEMENT IN DISCIPLINARY DETENTION. WILL BE REVIEWED BY THE CLASSIFICATION COMMITTEE PENDING RECLASSIFICATION.	
BASED ON	ALL THE CIRCUMSTANCES	
MIBY	'S CONTINUED PRESENCE IN THE GENERAL	
HOUSING P	OSES A SERIOUS THREAT TO LIFE, PROPERTY, SELF, STAFF,	
OTHER INM	ATES, OR TO THE SECURITY OF THE FACILITY BECAUSE	•
	MOULD FROM A - TO J-YNIT	
	B-STATUS PERDING APPLASSIFICATION	
	,	
-		~
THEREFORE	. MIBY, ANTHONY, OCANO. 70000	5011
IS TO BE PLA	ACED IN ADMINISTRATIVE SEGREGATION UNTIL FURTHER NOTICE.	